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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 11

Applicant: The Wet Seal, Inc. : BEFORE THE
Trademark: "SEAL" : TRADEMARK TRIAL
Serial No: 76/338469 : AND
Attorney: Julie L. Dalke : APPEAL BOARD
Address: Latham & Watkins, LLP : ON APPEAL
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Costa Mesa, California 92626

EXAMINING ATTORNEY'S APPEAL BRIEF

INTRODUCTION

The applicant has appealed the previous trademark examining attorney's final refusal to register the typed mark "SEAL." Registration was refused in accordance with Trademark Act Section 2(d), 15 U.S.C. 1052(d), on the grounds that the mark is confusingly similar to U.S. Registration No. 1,884,104 for "SEALCO," No. 2,424,116 for "HEAT SEAL," No. 1,749,402 for "SEAL PAK," No. 1,216,213 for "SEAL 'N PROTECT," No. 1,680,023 for "SILKEN SEAL," No. 782,185 for "SEALSKIN" and No. 2,528,395 for "HYDROSEAL."

FACTS

The applicant filed this application seeking to register the trademark "SEAL" for three international classes featuring a list of cosmetic items, including hair care products; handbags, purses, backpacks, briefcases, luggage, cosmetic bags and toiletry cases sold empty, vanity cases sold empty, wallets, change purses and various cosmetic accessories. The examining attorney

refused registration on the basis of Section 2(d) of the Trademark Act.¹ The refusal was based upon Registration No. 1,884,104, the mark "SEALCO," for mail order services in the field of luggage, No. 2,424,116, the mark "HEAT SEAL, for hair care products, namely, conditioners, gels and sprays, No. 1,749,402, the mark "SEAL PAK," for backpacks,² fanny packs, hip packs and waist packs, No. 1,216,213 the mark "SEAL 'N PROTECT," for hair conditioner, No. 1,680,023, the mark "SILKEN SEAL" for hair care preparations, namely, shampoos, conditioners, styling gels, hair sprays and hair glossers, No. 2,528,395, the mark "HYDROSEAL" for non-medicated moisturizing component as used in ingredient complex in fragrance and toiletry products and No. 782, 185 for "SEALSKIN" for preparation for filling the skin pores with an innocuous material to keep out certain irritants. The examining attorney also required a clarification of the identification of goods.

The applicant addressed the refusal in a response in favor of registration, including arguments and a clarified identification of goods and services. The examining attorney considered the arguments as to the likelihood of confusion issue carefully but found them unpersuasive. The examining attorney also determined further clarification of the identification of goods in Class 21 was required. A final refusal was issued in accordance with 37 C.F.R. Section 2.64.

The applicant submitted a request for reconsideration along with an appeal of the final refusal to the Board. The examining attorney considered the remanded request for reconsideration. The suggested identification amendment was found acceptable and the requirement was withdrawn. The examining attorney, however, maintained the 2(d) refusal and returned this case to the Board so that the appeal could be resumed.

¹ The examining attorney also made a descriptiveness refusal that was later withdrawn.

The applicant filed an appeal brief that proposed, in essence, five main arguments addressing the refusal. The arguments are, in essence, that the marks are distinct, the goods and services are distinct, that goods and services travel in different channels of trade, that the purchasers are sophisticated and that the applicant is the owner of a family of similar marks and therefore confusion is unlikely.

ARGUMENT

I. CONTEMPORANEOUS USE OF THE APPLICANT'S PROPOSED MARK AND THE REGISTERED MARK ON THEIR RESPECTIVE GOODS AND SERVICES IS LIKELY TO CAUSE CONFUSION AS TO THE SOURCE OF THE GOODS AND SERVICES.

The Court in *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973), listed the principle factors to be considered in determining whether there is a likelihood of confusion under Section 2(d). Any one of the listed *DuPont* factors may be dominant in any given case, depending upon the evidence of record. In this case, the following factors appear most relevant: the similarity of the marks and the similarity of the goods and services. The examining attorney will address the applicant's arguments within an examination of these factors.

A. The applicant's proposed mark is considered similar in sound, connotation, appearance, and commercial impression to the registered marks.

The applicant's mark consists of the four letter word mark "SEAL," presented in a typed format. The registrant's proposed marks are Registration No. 1,884,104 for "SEALCO," No.

² "Backpacks" has been withdrawn from the registration upon renewal.

2,424,116 for "HEAT SEAL," No. 1,749,402 for "SEAL PAK," No. 1,680,023 for "SILKEN SEAL," No. 1,216,213 for "SEAL 'N PROTECT," No. 782, 185 for "SEALSKIN" and No. 2,528,395 for "HYDROSEAL," and all are also presented in a typed format. The registrant's marks all contain the applicant's exact mark in its entirety. The only differences are the registrants' additional matter consisting of the terms "CO," "HEAT," "PAK,"³ "SILKEN,"⁴ "N' PROTECT," "SKIN" and "HYDRO."

While the marks were considered as a whole, the significance of the registrant's additional terms were taken into consideration. It is well settled that in some circumstances, it is appropriate to recognize that one component of a particular mark may, for some reason, have more significance than other components in determining the commercial impression which is generated by the mark. *In re National Data Corp.*, 753 F.2d 1056, 224 USPQ 749 (Fed. Cir. 1985). Although the determination of whether or not confusion is likely must be based on a comparison of the marks in their entireties, the dominance of such an element must be taken into account in resolving this issue. *Ceccato v. Manifattura Lane Gaetano Morzotto Figli S.p.A.*, 32 USPQ 1192 (TTAB 1994). Descriptive or disclaimed matter is typically less significant or less dominant. The disclaimed terms "PAK" and "SILKEN," and the other arguably descriptive or generic terms such as "HEAT," "SKIN" and "CO.," were considered of lesser trademark significance than "SEAL." It should be noted that even if the registered marks could be considered weak, they would still be afforded protection. *Nabisco Brands, Inc. v. Quaker Oats Co.*, 216 USPQ 770 (D.C.N.J. 1982), *Johnson & Johnson v. Colgate-Parmolive, Co.*, 175 USPQ 287 (D.C.N.J. 1972).

³ This term is disclaimed from the registration.

⁴ This term is disclaimed from the registration.

The applicant argues that the mark in question is a portion of the company name "WET SEAL" and that it owns a family of marks. The identified "family of marks" consists of two pending applications that include the word "SEAL" coupled with additional terms, another application for "SEAL" alone (in addition to this one) and Registrations No. 1,508,250 and 2,241, 292, both for "WET SEAL."⁵ The applicant asserts that "SEAL" is a portion of the company name "WET SEAL" and serves a house mark function. However, the situation at hand is different in that it is the reverse of a "traditional" likelihood of confusion determination involving a house mark. Traditionally, the house mark assessment is significant in likelihood of confusion determinations because an applicant is adding a house mark to an already registered term. However, the applicant is not adding terms to a house mark or family of marks in this situation. In fact, it appears it is distancing the source association of the mark with the registered marks by removing the term "WET." With the removal of this term the applicant's mark may be considered simply a shortened form of the registrants' marks and the issue of "reverse confusion" becomes an important factor of consideration.

Reverse confusion occurs when a company uses the trademark of a smaller senior owner and thereby causes likely confusion as to the source of the senior user's goods or services. (See *Sands, Taylor & Wood Co. v. Quaker Oats Co.*, 978 F.2d 947 (23 USPQ2d 1001) (7th Cir. 1992) (Quaker Oats Co.'s use of "Thirst-Aid" in advertising for Gatorade was trademark infringement of "Thirst-Aid" registered trademark owned and formerly used by small Vermont company); *Banff, Ltd. v. Federated Dep't Stores, Inc.*, 841 F.2d 486 (6 USPQ2d 1187) (2d Cir.

⁵ The applications claimed are 76-272525, "SEAL PUPS," 78-108060, "SEAL MAGAZINE" and 78-107987 for "SEAL." As to the allowance or approval of these other applications, it is well established that each case must be decided on its own merits. Previous decisions by examining attorneys in approving other marks are without evidentiary value and are not binding on the agency or the Board. *In re Sunmarks Inc.*, 32 USPQ2d 1470 (TTAB 1994); *In re National Novice Hockey League, Inc.*, 222 USPQ 638, 641 (TTAB 1984), TMEP 1207.01(d)(vi).

1988) (marketer of women's clothing with unregistered trademark "Bee Wear" could enjoin Bloomingdale's from using term "B-Wear" in its stores and on its clothes). *Fisons Horticulture Inc. v. Vigoro Industries Inc.* (CA 3) 31 USPQ2d 1592, 1597. As the applicant states, it operates over 500 stores⁶ and if the applicant is allowed to utilize the shortened mark "SEAL," consumers are likely to believe the senior users of "SEALCO," "HEAT SEAL," "SEAL PAK," "SILKEN SEAL," "SEAL 'N PROTECT," "SEALSKIN" and "HYDROSEAL" originate or are associated with the applicant.

It should be also noted that the issue is not whether consumers will be able to differentiate the marks on the basis of a side by side comparison. The concern is whether the marks create the same overall impression in the recollection of the average consumer who, for example, may encounter the registrants' marks in one location and the applicant's mark in another. *Visual Information Institute, Inc. v. Viacom Industries Inc.*, 209 USPQ 179 (TTAB 1980); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106 (TTAB 1975). The examining attorney submits that the similarities in sound, connotation, appearance, and the creation of the same overall commercial impression in the mind of consumers are significant enough to establish that the marks are likely to be confused.

B. The applicant's goods and registrants' good and services are considered to be similar or identical.

In accordance with the practice established in *In re August Storck KG*, 218 USPQ 823 (TTAB 1983), after examining the similarities of the marks to determine likelihood of confusion,

⁶ Appeal Brief at 10.

the next issue to be considered is the similarities between the goods and services associated with the marks. In order to facilitate the comparison, the applicant's goods will be examined by their international classifications.

The applicant's identified goods in Classes 3 and 21 are "cosmetics, mascara, eye liners, eye brow pencils, eye shadow, artificial eyelashes, face powder, dusting powder, powder compacts containing make-up, rouge, liquid rouge, foundation, concealer, lipstick, lip liner, lip gloss and makeup remover; nail polish, nail polish remover, cuticle softener and cuticle cream; colognes, perfumes and toilet waters; toothpaste, mouthwash and tooth gel; sun screen, sun block and suntanning preparations; antiperspirants, deodorants; aftershave lotions, shaving lotions and cream, shaving foam, after-shave balm, astringents, skin toner and skin tonic; body, hand and face lotions and creams; skin cleansers, soaps, bubble bath, toilet soap, bath and shower gels, bath oils, bath salts, bath crystals, body powders and talc, body spray and essential oils for personal use," and "cosmetic accessories, including, cosmetic brushes, facial sponges for applying make-up and applicators for applying make-up; hair brushes." The registrations which identify goods that are likely to cause confusion for these classes are No. 2,424,116 for hair care products, namely, conditioners, gels and sprays, No. 1,216,213 for hair conditioner, No. 1,680,023 for hair care preparations, namely, shampoos, conditioners, styling gels, hair sprays and hair glossers, No. 782, 185 for "SEALSKIN" for preparation for filling the skin pores with an innocuous material to keep out certain irritants and No. 2,528,395, for non-medicated moisturizing component as used in ingredient complex in fragrance and toiletry products.

In the request for reconsideration, the applicant amended the identification to delete the references to specific hair care products from the application. However, the examining attorney must determine whether there is a likelihood of confusion on the basis of the goods identified in

the application and registration. If the application or cited registration describes the goods broadly and there are no limitations as to their nature, type, or classes of purchasers, it is presumed that the application and registration encompass all goods of the type described, that they move in all normal channels of trade, and that they are available to all potential customers. *Paula Payne Products Co., v. Johnson Publishing Co., Inc.*, 473 F.2d 901, 177 USPQ 76 (CCPA 1973); *In re Elbaum*, 211 USPQ 639 (TTAB 1981). “Cosmetics” is defined by Webster’s Third New International Dictionary Unabridged, as “a preparation (except soap) . . .for cleansing, coloring, conditioning, or protecting the skin, hair, eyes, or teeth (p. 514).”⁷ “Astringent” is also defined by Webster’s as “having the property of drawing together the soft organic tissue: contracting, constricting (p. 135).”^{8 9} The applicant’s broad identification “cosmetics” is seen to include Registration Nos.’ 1,216,213, 1,680,023 and 2,424,116’s more specific hair care products and the identification of “astringent” is seen to include Registration No. 782,185’s preparation for filling skin pores to keep out irritants. In addition, the Board has previously held that hair care preparations and cosmetics are related items. *Cosmetically Yours, Inc. v. Clairol Incorporated*, 165 U.S.P.Q. 515 (C.C.P.A. 1970). As the goods in Class 21 include cosmetic sponges and applicators, these goods are considered companion items to the registrants’ cosmetic goods.

Registration No. 2,528,395 is for a component of toiletry products for body lotions and hand creams, goods specifically identified by the applicant. It is not necessary that the goods be

⁷ Webster’s Third New International Dictionary Unabridged, Merriam Webster, Inc., ©1986.

⁸ Webster’s Third New International Dictionary Unabridged, Merriam Webster, Inc., ©1986.

⁹ The examining attorney attaches hard copies of these definitions to this appeal brief. The examining attorney asks that the Board take judicial notice of these definitions and citations in accordance with the decisions in *In re Eden Foods*, 24 USPQ2d 1757 (TTAB 1992); *In re Cyromedical Sciences Inc.*, 32 USPQ2d 1377 (TTAB 1994); and *In re Wilcher Corp.* 40 USPQ2d 1929 (TTAB 1996).

similar or even competitive in order to support a finding of likelihood of confusion. It is sufficient for the purpose that the goods are related in some manner, and/or that the circumstances surrounding their marketing are such that they would be likely to be encountered by the same persons under circumstances that could, because of the marks used thereon, give rise to the mistaken belief that they originate from or are in some way associated with the same source. See Hilson Research Inc. v. Society for Human Resource Management, 27 USPQ2d 1423 (TTAB 1993).

The applicant further identifies handbags, purses, backpacks, briefcases, cosmetic bags and toiletry cases sold empty, vanity cases sold empty, wallets and change purses in Class 18. The registrations likely to cause confusion are Registration No. 1,884,104 for mail order services in the field of luggage and No. 1,749,402 for fanny packs, hip packs and waist packs. The applicant amended the identification to withdraw "luggage" in the request for reconsideration. In addition, Registration No. 1749402 appears to have withdrawn "backpacks" from its identification upon renewal. However, as stated above if the application or cited registration describes the goods broadly and there are no limitations as to their nature, type, or classes of purchasers, it is presumed that the application and registration encompass all goods of the type described, that they move in all normal channels of trade, and that they are available to all potential customers. *Canadian Imperial Bank of Commerce v. Wells Fargo Bank*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987). "Luggage" is defined by Webster's Third New International Dictionary Unabridged, as "suitcases, traveling bags, and other articles containing a traveler's belongings (p. 1344)."¹⁰ This term is seen to include the applicant's more specific items such as backpacks. Further, the applicant's identified "handbags" is defined by Webster's as a "traveling

bag (p. 1026).”^{11 12} As to the other items, the fact that the goods and services of the parties differ is not controlling in determining likelihood of confusion. The Board has held such goods (as handbags and luggage items) related. *In re AMBA Marketing Systems, Inc.*, 218 USPQ 958 (TTAB 1983) (handbags sold by direct mail and hand luggage). The important consideration is not likelihood of confusion between particular goods or services, but the likelihood of confusion as to the source of those goods and services. *See In re Rexel Inc.*, 223 USPQ 830, 831, (TTAB 1984), and cases cited therein; TMEP section 1207.01.

As for Registration No. 1884104, “SEALCO” for mail order services in the field of luggage, it is well established that a likelihood of confusion can exist between goods and services that feature or involve related goods. *See In re Mucky Duck Mustard Co. Inc.*, 6 USPQ2d 1467 (TTAB 1988); *MSI Data Corp. v. Microprocessor Systems, Inc.*, 220 USPQ 655 (TTAB 1983); *Steelcase Inc. v. Steelcare Inc.*, 219 USPQ 433 (TTAB 1983), and cases cited therein. Specifically related to the case at hand, it has also been established that a likelihood of confusion can exist between marks for retail services, such as wholesale distributorship services or mail order services featuring goods, and marks for goods related to the goods used in the service. *In re United Service Distributors, Inc.*, 229 USPQ 237 (TTAB 1986); *In re Burroughs Corp.*, 2USPQ 2d 1532 (TTAB 1986). The Federal Circuit addressed a similar issue in a case involving the mark “bigg's” (stylized) for “retail grocery and general merchandise store services” and “BIGGS” and design for furniture. The Circuit stated that:

¹⁰ Webster’s Third New International Dictionary Unabridged, Merriam Webster, Inc., ©1986.

¹¹ Webster’s Third New International Dictionary Unabridged, Merriam Webster, Inc., ©1986

¹² The examining attorney attaches hard copies of these definitions to this appeal brief. The examining attorney also asks that the Board take judicial notice of these definitions and citations in accordance with the decisions in *In re*

“The only aspect of this case which is unusual is that the marks sought to be registered are for services while the prior registration on which their registration is refused is for wares. Considering the facts (a) that trademarks for goods find their principal use in connection with selling the goods and (b) that the applicant's services are general merchandising - - that is to say selling -- services, we find this aspect of the case to be of little or no legal significance.” *Hyper Shoppes*, 6 USPQ2d at 1026.

The stores in the *Hyper Shoppes* case sold a wide variety of merchandise. In this case, as the applicant's handbags and other items can be considered luggage, the connection between the services of registrant and the goods of applicant is even more direct because registrant's services mail order services involve the sale of the same type of goods as applicant provides. Accordingly, similar marks used on goods that are featured by the registrant's services is seen as likely to cause confusion.

Another very significant consideration in making the determination of similarity between the goods and services of the parties is the issue of expansion. The examining attorney must consider any goods or services in the registrants' normal fields of expansion to determine whether the registrant's goods or services are related to the applicant's identified goods or services under Section 2(d). *In re General Motors Corp.* 196 U.S.P.Q. 574 (TTAB 1977). As the applicant originally had the products of “hair shampoo,” “hair conditioner,” and “luggage,” identified as goods in the application, it is reasonable to consider that these items are within the normal field of expansion for the producers or providers of such goods. Accordingly, the goods

Eden Foods, 24 USPQ2d 1757 (TTAB 1992); *In re Cyromedical Sciences Inc.*, 32 USPQ2d 1377 (TTAB 1994); and *In re Wilcher Corp.* 40 USPQ2d 1929 (TTAB 1996).

and services of the parties are therefore considered to be similar and likely to cause confusion as to source.

The applicant asserts that the channels of trade are different, as its goods are primarily limited to its own stores. However, it is well settled that the issue of likelihood of confusion must be determined on the basis of the goods and services as they are identified in the application and cited registrations. *Paula Payne Products Co., v. Johnson Publishing Co., Inc.*, 473 F.2d 901, 177 USPQ 76 (CCPA 1973). The identification of the goods and services for both the applicant and the registrants' have no such limitations as to their nature, type, and channels of trade. It is presumed then that the goods and services of both the applicant and the registrant move in the normal channels of trade and that they are available to the same customers. *Re/Max of America, Inc. v. Reality Mart, Inc.*, 207 USPQ 960 (TTAB 1980).

The applicant also argues that the consumers of the goods are in fact sophisticated. However, no evidence was submitted to show that the consumers of cosmetics are sophisticated. The situation in *Faberge, Inc. v. Dr. Babor GmbH & Co.*, 219 USPQ 848 (TTAB 1983) cited by the applicant is distinguishable from the case at hand because the marks in that instance were so distinct ("BABE" and the "unfamiliar BABOR" as it was called in the decision). In this instance the applicant mark is clearly an incorporated part of all the registered marks. Assuming for argument's sake that the consumers can be considered sophisticated as to cosmetics, this does not necessarily mean that they are sophisticated or knowledgeable in the field of trademarks or immune from source confusion. See *In re Decombe*, 9 USPQ2d 1812 (TTAB 1988); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983).

Finally, it should be noted that the examining attorney must resolve any doubt as to the issue of likelihood of confusion in favor of the registrant and against the applicant who has a

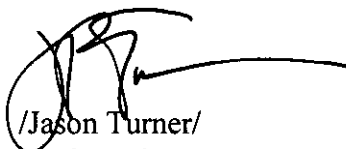
legal duty to select a mark which is totally dissimilar to trademarks already being used. *Burroughs Wellcome Co. v. Warner-Lambert Co.*, 203 USPQ 191 (TTAB 1979).

A decision made by the Board directly addresses many of the same issues that concern the application at hand. In *In re The United States Shoe Corporation*, 229 USPQ2d 707 (TTAB 1985), the Board decided an appeal of a refusal to register a mark of the basis of Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). The applicant's mark in that case was the stylized "CAREER IMAGE" for clothing items and it was refused registration based upon a registration for the stylized mark "CREST CAREER IMAGES" also for clothing items. The applicant argued that the marks were dissimilar due to the dominance of "CREST," that the goods were different, and that the channels of trade were dissimilar. The Board held that the goods were identical and that even if the registrant's trade channels were limited, confusion would still be likely on the rationale that the ultimate consumer still would have access to both marks. The Board also held the marks similar, even though the registrant's "CAREER IMAGES" was seen as a unitary component due to stylization. The Board stated, "Whether 'CREST' dominates the mark is not at issue. Applicant has not appropriated 'CREST,' rather, it has adopted as its mark almost the same thing as the 'CAREER IMAGES' portion of the registrant's mark. It is because of the similarities between 'CAREER IMAGE' and 'CAREER IMAGES' that the marks have similar sounds, appearances, and connotations." *Id.* at 709. The facts and issues presented in *In re The United States Shoe Corporation*, are very similar to the issues presented here. Accordingly, it is submitted as precedent for this decision. The examining attorney submits that the commercial impressions of the marks are similar and that the goods and services at issue are related.

CONCLUSION

In view of the similarity between the registrants' marks and the applicant's proposed mark and use on what is considered similar goods and services, and the traditional marketing of such services, consumers are likely to confuse the applicant's mark with the registrants' marks. Therefore, the examining attorney requests that the Board affirm the refusal to register the mark on the Principal Register on the basis of Section 2(d) of the Trademark Act.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jason Turner', with a long horizontal flourish extending to the right.

/Jason Turner/
Trademark Attorney
United States Patent and Trademark Office

(David Shallant, Managing Attorney)

A handwritten mark in black ink, consisting of a circle with a stylized 'S' or 'B' inside.

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[*adj.* usu *cap* [fr. *Ludlovian*, s
Silurian, fr. ML *Ludlovian* (Ludlo
-an)]: of or relating to a subdivis
- see GEOLOGIC TIME table
mark - used for a machine that c
rom matrices set by hand in a spe
play, 1st pers. sing. pres. indic
if pachist played chiefly in the Bri

iso lud-vig-la \-vig- n. *cap* [L
1773 Ger. botanist + *ML* -la]: a
(family Onagraceae) chiefly of tropi
have 4-parted flowers and a short
- *n* [G *Ludwigia*, fr. Ernst *Ludwig*
+ *G* -it-ite]: a mineral (Mg, Fe)
iron magnesium borate occurring in
kish green color
[*viz* - *n*, usu *cap* L [after Wilhelm
r. physician]: an acute streptococcal
local infection of the deep tissues of
and adjoining parts of the neck and
ere rapid swelling that may close the
accompanied by chills and fever
[*viz* hñan, (r.) -*adv* usu *cap*
ein, city in southwest Germany]: of
lwhghafen am Rhein, Germany: of
nt in Ludwigshafen am Rhein
Bacca - *n* [G *lühneburgit*, fr. Lüne-
burg + *G* -it-ite]: a mineral Mg₂B
sisting of a hydrous basic phosphate
- *n*, usu *cap* L [after Luer 1883 Fr.
lass syringe with a glass piston that
ess ground and that is used esp. for

[NL, fr. L. plague; akin to Gk *lyein*
ive - more at *LOSE*]: SYRPHUS
r. luez, after such parts as *herpes*:
lu-ot-i-cal-ly \-k(ə)l-*adv*
[*l*berē, -barē, -rī, vi -ED/-ING/-S
very 1918 Am. aviator]: to go into e
erry circle *n*, usu *cap* L: a military
eaver in which two or more airplanes
in circular line or ascending spiral
- *loft*, fr. MF *loft*, prob. fr. (assumed)
- *loft*; akin to MLG *loft* side of a ship
[*loft* of the hand - more at *LOVE*]
ship toward the wind b: the act of
e wind c: the forward edge of a fore-
the fullest and roundest part of a
ACKLE 2: a radial or in-and-out
eing carried by a crane produced by
jib
[ME *loven*, fr. *luff*, *loff*, *n*]: vi 1: to
ward the wind: sail nearer the wind
2: to move the jib of a crane in and out
into the wind b: to maneuver the wind
avoid being overtaken on the wind
(the jib of a crane) in and out
tening & alter. *slang*: LIEUTENANT
Ar *loft* 1 *cap*: a genus of tropical
aculaceae) with white flowers and
h *loft* - *s* a: a plant of the genus
ich a plant: DISH-CLOTH GOURD 3 or
skeleton of the luffa fruit used as a
teable sponge
ackle that has a single and a double
part of the fall fixed to the single
ie power three or four times according
ble block is movable - see TACKLE

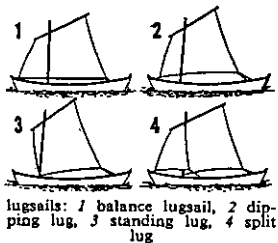
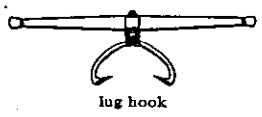
ackle on the fall of another
h *n*, pl *luftmensch* -*en* \-chan\
- *luft* air (fr. MHG, fr. OHG)
- *being*, fr. MHG *mensch*, *mensch*, fr.
OFris *mānskā* person, human being,
ack all fr. a prehistoric WGMc noun
e represented by OE *manic* humu-
miskā; all fr. a prehistoric Gmc com-
stituent is represented by OE *man*,
second constituent is represented by
OFT, MAN); an impractical contempla-
definite trade, business, or income
personifies the quixotic, speculative
- *living* Howey
[ME *lugg*] 1 *dist* Eng: ROD, POLE
ying measure of length usu. 16½ feet

ged; *lugging*; *lugs* [ME *luggen*, prob.
Norw *lugg* to pull by the hair, Sw
ir, Norw & Sw *lugg* tuft of hair] vi
to give a pull to (as the ear or hair)
e ear or hair b: to pull with force
wretch ... out of the room - Samuel
the feed trough out into the open
2: to carry with great effort
over the city till they seemed full of
e (preferred to his own suitcase
o bring in or introduce in a ponderous
story into the conversation) ~ vi
to tug b of a horse: to bear down on
easily or by jerks (printers' rollers ~
acheorse) to swerve from the course
he inside rail (kept lugging in toward
4 & archaic a: to draw one's sword
ney or purse
B: an act of lugging b: something
o or basket holding 25 to 40 pounds of
c: a box having an inside width of
length of 17½ inches, and a depth of
3 lugs pl: superlative of affections
about him ... nothing hoity-toity
the way these doctors and profs and
bout being "professional men" - Sin-
- *slang*: an exaction of money: a
used in the phrase *put the lug on* (put
- *Newswreck*)
[ME (Sc) *lugg*, perh. fr. ME *luggen*,
e of a cap or bonnet 2 now chiefly *dist*
- *first-class* ~ C.B.Kelland (a great
range) 3: something that projects like

ules

e 2: a Central
ong flat extension
bolt 2: a bolt
on one side and
bricks when laid
[switzerland]: a
nd
lug-or \-zhə(r)\

hout a boom
lug-gage \-lag-i, -gē- n -s often attrib [2lug + -age] 1: some-
thing that is lugged; esp: the belongings that a traveler carries
with him (his only ~ what he could carry in a red plaid cotton
handkerchief) - Amer. Guide Series: Minn. (brought as part of
their ~ toasting irons, waffle irons, and gridirons - M.R.
Wermer) 2 a: suitcases, traveling bags, and other articles
containing a traveler's belongings: BAGGAGE (both runn-
boards were piled with traps and ~ - D.L. Sharp) (stowing
space under the beds for hand ~ - Horace Sutton) b: empty
suitcases and other containers for a traveler's belongings esp.
as offered for sale (a shop that sells fine ~)
lug-gage-less \-lās- *adj*: having no luggage
luggage tan *n*: a variable color averaging a strong brown that
is yellower, lighter, and slightly less strong than average russet,
yellower and paler than rust, and yellower, stronger, and
slightly lighter than gold brown
luggage van *n*, Brit: BAGGAGE CAR
lug-gar also lug-gor \-lago(r)- n -s [Hindi *lugar*, *lagur*]: any
of several large Asiatic falcons of dull brown color; esp: a
gyrfalcon (*Falco jugger*) of India that somewhat resembles the
American prairie falcon
lugged \-lod- *adj* [ME (Sc) *lwygt* having earflaps, fr. *lugg*
earflap + -yt, alter. of ME -ed, *adj*. suffix - more at LUG]
: having lugs
lug-gor \-lago(r)- n -s [2lug + -er]: one that lugs; as a:
a worker in a slaughterhouse or meat-packing establishment
who carries meat to and from various processing operations
b: an agricultural worker who carries containers filled with
farm products from the field to a central point c *slang*: a
person engaged by a gambling house to bring players to it
lugger \-n- s [lug- (fr. *lugsail*) + -er]: a small fishing or
coasting boat that carries one or more lugsails and that has
two or three masts with or without jibs or topsails
lug-gle \-lag-i- n -s [2lug + -le] chiefly Scot: a small wooden
pail or dish with a handle
lugging *pres* part of LUG
lug hook *n* [prob. fr. 2lug]: a device consisting of a pair of
pointed dogs pivoted at
the middle of a short bar
for carrying small logs or
railroad ties
lu-gol's solution \-lu-
gōl-*n*, usu *cap* L [after
J. G. A. Lugol 1851 Fr.
physician]: a deep brown
aqueous solution that has
an odor of iodine, that contains approximately 5 grams of
iodine and 10 grams of potassium iodide in 100 milliliters, and
that is used chiefly in medicine for the internal administration
of iodine and esp. in veterinary practice as a disinfectant; also
: any of several similar solutions (as an aqueous or alcoholic
solution containing iodine and potassium iodide for use as a
microscopic stain)
lug pole *n* [2lug]: a pole on which a kettle is hung in a fireplace
lugs *pres* 3d sing of LUG, pl of LUG
lug-sail \-lōsəl (usual nautical pronunc), -səl *n* [perh. fr. 2lug
+ sail]: a four-sided
sail bent to a yard that
hangs more or less ob-
liquely than a mast slung
at about a third or
quarter of its length
from the forward end
and hoisted and low-
ered with the sail -
called also *lug*: com-
pare BALANCE LUGSAIL,
DIPPING LUG, SPLIT LUG,
STANDING LUG
lug sail *n* [2lug]: a
thick rubber sole that
has deep indentations
in a pattern designed to
provide good footing
and is used on sport and work shoes
lu-gu-bri-ous-ly \-la-gub-rē-əs-ē-ē, -lū-, -otē-, -j- n -es [fr.
lugu-brius, after such pairs as E *curious*, *curiosity*]: the quality
or state of being lugu-brious
lu-gu-bri-ous \-lū-*brē-əs* *adj* [L *lugu-brius* lugu-brious, con-
nected with mourning (fr. *lugu* to mourn) + E -ous; akin to
Gk *lygos* mournful, Skt *lugu* he breaks, hurts] 1: expres-
sive of, marked by, or giving rise to grief or sorrow: MOURN-
FUL (~ notices on the passing of old friends - Time); esp: ex-
aggeratedly or affectively mournful (~ literary posturings -
G.A. Wagner) 2: disposed to gloom: DISMAL (a certain ~
element in English taste - Bernard Leach) - lu-gu-bri-ous-ly
adv - lu-gu-bri-ous-ness *n* -es
lugworm \-n- s [2lug + worm]: any of several large marine
polychaetous annelids (genus *Arenicola*) that have a row of
tufted gills along each side of the back, burrow in sandy
beaches between tide marks in America and Europe, and are
used for bait
LUHF *abbr*, often not *cap* lowest useful high frequency
luhot or luhoth *pl* of LUAH
luian *usu cap*, var of LUWIAN
lu-id-la \-lō-wīd-ē- n, *cap* [NL]: a large genus of chiefly
tropical active starfishes (order Phanerozoia) with long
slender rather flabby rays - see MUD-STAR
lui-hail \-lū-i- n -s [Afrik, fr. *lui* lazy (fr. D, fr. MD *loy*,
loey) + *hail* shark (fr. D, fr. MD *havy* - more at HAVE): a
small blunt-nouted striped shark (*Paradema africanum*) of the
East African coast - called also *striped dogfish*
lu-i-se-ño \-lū-ē-sē-ō, -yō- n, pl *luisēño* or *luisēños* *usu cap*
[AmerSp, fr. San Luis Rey de Francia, mission in California +
Sp -*ño* (suffix added to place names to form names of inhab-
itants)] 1 a: a Shoshonean people of southwestern California
b: a member of such people 2: the language of the Luisēño
people
lu-jau-vrite \-lū-yau-vrīt- or lu-jaur-ite \-lū-rīt- n -s [G
lujaurit, fr. *Lujaur* Ur, *Lujaur* Ur, Lapland, its locality + G
-it-ite] a: a melanocratic nepheline-syenite rock
lukan *usu cap*, var of LUCAN
luk-ban \-lūk-bān- n -s [Tag *lubbān*]: SHADOCK
luke \-lūk- *adj* [ME *luke*, *lewke*; akin to OE *lēow* warm -



lull

lull \-lul- *vb* -ED/-ING/-S [ME *lullen*; prob. of imit. origin like
MLG *lullen* to lull, MD *lullen* to mumble, doze, Latvian
lulot to rock a child, Skt *lulati* he moves to and fro] vi
1 a: to make quiet: cause to sleep or rest peacefully: soothe
(sat ~ing the child - George Eliot) (~ed him to sleep with an
interminable canticle - Rudyard Kipling) b: to bring to a
state of comparative calm (~ed the raging seas) 2: to induce
a false sense of security and well-being in: cause to relax one's
vigilance: lessen tension in (~ them into an apathetic sense of
security - Raymond Holden) (~ the group into contentment
- Oscar Handlin) (~ed our minds with things we wanted to
see again - H.D. Skidmore) ~ vi: to diminish in force or in-
tensity: SUBSIDE, ABATE (the afternoon breeze ~ed and finally
dropped off altogether - O.E. Rålvaag) (this conversation
would ~ for awhile - Richard Church) *syn* see CALM
lull \-n- s 1 *archaic*: something that lulls or soothes; *specif*:
LULLABY 2 a: a temporary cessation or lessening of the
wind or of a storm (a ~ in the rain) b: a period of intensified
quiet (the ~ before the storm) (a dark still summer ~ - Kay
Boyle) 3: a temporary drop in activity (the business ~ will
end by midyear - Look) (when a ~ comes in the creative
activity - Ralph Linton) 4: a relaxed or dazed state of mind
lull \-n- s [LG *lull*; akin to D *lul* mouth of a pump, baby
bottle, D *lullen* to suck, prattle (fr. MD *lullen* to mumble,
doze)] 2: a tube through which blubber is passed to tubs in the
hold of a whaling ship
lull-a-by \-lū-lə-bī- n -es [obs. E *lulla*, *lullay*, *lully*, interj. used
to lull a child (fr. ME, prob. fr. *lullen* to lull) + E *bye*, interj.]
1: a soothing refrain; *specif*: a song to quiet children or lull
them to sleep 2 *obs*: GOOD-NIGHT
lullaby \-lū-lə-bī- *vi* -ED/-ING/-ES: to soothe or quiet with or as if
with a lullaby (the rhythm of motion lullabied his brain - Tom
Hopkinson)
lull-er \-lū-lə(r)- n -s: one that lulls
lull-ian \-lū-lē-ən *adj*, usu *cap* [Raymond Lully 1315 Catalan
ecclesiastic and scholastic philosopher + E -an]: of or relating
to Lully or the teachings in which he combated the separation
of faith and reason and endeavored to demonstrate the ex-
clusive truth of Christianity
lull-i-loo \-lū-lə-lū, -lū- *vi* -ED/-ING/-S [imit.]: to shout joyously in
the manner of various African peoples (~ed with cries of joy
- Sir Richard Burton)
lull-ing-ly *adv*: in a lulling manner
lull-in \-lū-lū- n -s [prob. fr. *Lulu*, nickname fr. the name
Louise] *slang*: a person or thing remarkable or wonderful
STANDOUT (his first idea was a ~ - Frederic Wakeman) (a
really low class here that is a ~ - August Hollingshead) (a ~
of a mistake) (told you this ~ of a story and made a total
donkey out of you - Calder Willingham)
lulu \-n- s [Samoan *lūlu*]: a Samoan barn owl
lu-lu-ai \-lū-lū-wā- n -s [native name in eastern New Guinea]
: a village headman or chief in New Guinea
lu-lu-bae-an \-lū-lū-bē-ən *n* -s *cap* L 1: one of several early
peoples who intruded into Assam and introduced their cul-
tures into the area 2: a member of the Lulubae people
lum \-lū- n -s [origin unknown] chiefly Scot: CHIMNEY
lumb- or lumbo- *comb* form [L *lumb*, fr. *lumbus* - more at
LOIN] 1: loin (*lumbodinia*) 2: lumbar and (*lumbosacral*)
lum-ba-gō \-lū-*m*-bā-gō- n -s [L, fr. *lumbus* loin]: muscular
rheumatism involving the lumbar muscles and usu. accom-
panied by pain
lum-bang \-lū-*m*-bāŋ- n -s [Tag *lumbāŋ*] 1: CANDLENUT
2: a tree (*Aleurites triperma*) of the Philippine islands whose
oil is used for candles
lumbang oil *n*: CANDLENUT OIL
lum-bar \-lū-*m*-bār- *adj*, -bār, -bār- *adj* [NL *lumbaris*, fr. L
lumbus loin + -ar- *adj*] 1: of, relating to, or near the loins or
the group of vertebrae lying between the thoracic vertebrae and
the sacrum 2: of, relating to, or indicating the region of the
abdomen lying on either side of the umbilical region and above
the corresponding inguinal - see ABDOMINAL REGION illustra-
tion
lumbar artery *n*: any artery of the four or five pairs arising
from the base of the vertebral column, the lumbar vertebrae, and
supplying the muscles of the loins, the skin of the sides of the
abdomen, and the spinal cord
lumbar ganglion *n*: one of the small ganglia of the lumbar part
of the sympathetic nerves
lum-bar-i-za-tion \-lū-*m*-bār-ē-zā-shən, -rē-*n* -s: a condition
marked by fusion of the first sacral and last lumbar vertebrae
lumbar nerve *n*: one of the five pairs of the spinal nerves of the
lumbar region in man one of which passes out below each
lumbar vertebra and the upper four of which unite by connect-
ing branches into a lumbar plexus
lumbar puncture *n*: a spinal puncture in the lumbar region
lumber vein *n*: any vein of the four pairs collecting blood from
the muscles and integument of the loins, the walls of the
abdomen, and adjacent parts and emptying into the vena cava
lumbar vertebra *n*: one of the vertebrae situated between the
thoracic vertebrae above and the sacrum below that in man
are five in number
lum-ba-yao also lum-ba-yau \-lū-*m*-bā-yau- n -s [Bisayan
lumbayaw] a: a Philippine timber tree (*Tarrietia javanica*)
whose wood is one of those sold as Philippine mahogany
lumber \-lū-*m*-bər- *vi* *lumbered*; *lumbered*; *lumbering*
-*ly* \-b(ə)-rē- n -s [ME *lumberen*; prob. akin to Sw *luma*,
loma to walk with slow and heavy steps ME *lame* - more at
LAME] 1: to move heavily or clumsily: move as if burdened
(the airplane ~ now proceeded to ~ slowly along - Noel
Coward) (~ed a little in his walk - Kenneth Roberts) (the
story ~s to a permanent standstill shortly after it begins - New
Yorker) 2 [prob. imit.]: to make a rumbling sound
lumber \-n- s [perh. alter. of *lombard*; fr. the use of pawn-
shops as storehouses of disused property] 1 a: surplus or
disused articles (as furniture) that are stored away: things
cumbersome, bulky, or useless b: something superfluous, with-
out value, or excessively cumbersome (get rid of the useless ~
that blocks our highways of thought - John Dewey) (~ of
facts, conjectures, alternate possibilities - J.G. Cozzens)
(useless words ~ dropped as worthless linguistic ~ - T.D.
Weldon) 2 a: timber or logs esp. after being prepared for the
market - compare ROUGH LUMBER, SHIP-LAP, SURFACED LUM-
BER, WORKED LUMBER b: one of several structural materials
prepared in a form similar to lumber (insulating ~ metal ~)
3: superfluous flesh - used esp. of a dog
lumber \-v- *vi* *lumbered*; *lumbered*; *lumbering* -*ly* \-b(ə)-rē-
lumber *vi*: to cover or fill with or as if with lumber
clutter up: burden unnecessarily: ENCUMBER (the constitu-
tion ~ was ~ed with obsolete provisions - Americana
Annual) (did not wish to ~ his mind with the rubbish that
most men seemed to rejoice in - Van Wyck Brooks) 2: to
heap together in disorder (all those things ~ed in the closet)
3: to log and saw the timber of (this ~ valley was ~ed, hard,
in 1915 - R.M. Neely) ~ vi 1: to cut logs in the forest: saw
logs into lumber for the market (colonists were squatting on
their land, ~ing in their wood - Amer. Guide Series: Md.)
2: to become cast away and useless (another large box to ~
with the odd and the antiquated - Peter Magge)

[illegible][illegible][illegible]

1. *teoriya* about the cosmos *cosm- + -soph.*
 2. *kázmə+,-\ n-s [cosm- + -sphere]* 1
 any given time with respect to the po:
 a hollow glass globe on which are fixed
 constellations and within which is a depicted
 3. *kəz(,)mō, [kəzmə+]* *adj [cosm- + ti*
 4. *kəzmə(,)thē,izəm, -ə'th-ə-s*
 5. *kəzmə(,)thē,izəm, -ə'th-ə-s*

-n -es [perh. fr. Romyan *kosh*, *koshter* stick,
 y Brit : a weighted weapon usu. similar to a
 -ED/-ING/-ES chiefly Brit : to strike or assault
 with a cosh
 -n + hyperbolic) hyperbolic cosine
 (n), *kōsh-'v* coshered; coshered: cosher
 kosher *l'ir'kash* kosher
 kosmogonia, *kosmogon-*
 origin, creation

-izm, -izmizm \ n -s [cosm- + -izm] : a philosophy
 of or of cosmic evolution esp. as interpreted teleo-
 ohn Fiske - cosm- + -izm -mōst \ n -s
 -istry \ 'kŏzmōd, 'kŏzma + \ n [cosm- + chemistry]
 the chemical composition of and changes in the
 is ' + \ n, pl cosmogēneses [NL, fr. cosm- +
 -smoōny - cos-mo-gēnē]

*kəzməjōne, -ni / n -es [Gk kosmogēnia, fr.
+ genia- geny] : COSMOGENY
*kəzməjōnik, -nek / or COS-mo-gen-i-cal
[or -al] : relating to or dealing with cosmogony
*kəzmə'gənəst / n -s [NL cosmogonia + E
realizing in or occupied with cosmogony
+ mōnēt-, -ni / -es [NL cosmogonia, fr. Gk
kosm- cosm- + genia- geny]]

